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FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SEP 07 2011

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

10 Thomas E. Perez  
11 Assistant Attorney General  
12 Civil Rights Division  
13 Christopher Lomax  
14 Trial Attorney, Civil Rights Division  
15 United States Department of Justice

16 UNITED STATES DISTRICT COURT  
17 EASTERN DISTRICT OF WASHINGTON

18 UNITED STATES OF AMERICA,

19 Plaintiff,

20 vs.

21 KEVIN WILLIAM HARPHAM,

22 Defendant.

23 CR-11-042-JLQ

24 Plea Agreement

25 Plaintiff, United States of America, by and through Michael C. Ormsby,  
26 United States Attorney for the Eastern District of Washington, and Joseph H.  
27 Harrington and Thomas O. Rice, Assistant United States Attorneys for the Eastern  
28 District of Washington, Thomas E. Perez, Assistant Attorney General, Civil Rights  
Division, Christopher Lomax, Trial Attorney, Civil Rights Division, United States  
Department of Justice, and Defendant KEVIN WILLIAM HARPHAM, and the  
Defendant's counsel, Roger J. Peven, Kimberly A. Deater, and Kailey E. Moran,  
agree to enter the following Plea Agreement:

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30 //

31 Plea Agreement- 1  
32 p10902jh jhh6.wpd

1       1. Guilty Pleas and Maximum Statutory Penalties:

2           KEVIN WILLIAM HARPHAM agrees to plead guilty pursuant to **Fed. R.**  
3 **Crim. P. 11(c)(1)(C)** to Counts 1 and 3 of the Superseding Indictment, dated April  
4 21, 2011. Count 1 charges KEVIN WILLIAM HARPHAM with the Attempted  
5 Use of a Weapon of Mass Destruction, in violation of 18 U.S.C. § 2332a(a)(2).  
6 The Defendant understands this charge is a Class A felony offense that carries a  
7 maximum statutory penalty of: any term of years or life term of imprisonment; not  
8 more than a \$250,000 fine; any term of years or life term of supervised release (*see*  
9 18 U.S.C. § 3583(j)); and a \$100 special penalty assessment.

10          Count 3 of the Superseding Indictment charges KEVIN WILLIAM  
11 HARPHAM with the Attempt to Cause Bodily Injury with an Explosive Device  
12 Because of Actual or Perceived Race, Color, and National Origin of Any Person,  
13 in violation of 18 U.S.C. § 249. The Defendant understands this charge is a Class  
14 C felony offense that carries a maximum statutory penalty of: not more than a ten-  
15 year term of imprisonment; not more than a \$250,000 fine; not more than a three-  
16 year term of supervised release; and a \$100 special penalty assessment.

17       2. Consecutive Sentences and Violations of Supervised Release:

18           KEVIN WILLIAM HARPHAM understands that the Court has the  
19 authority to impose consecutive sentences for each conviction on Count 1 and  
20 Count 3 of the Superseding Indictment, which sentences he would have to serve  
21 one after the other. The Defendant also understands that a violation of a condition  
22 of supervised release carries an additional penalty of re-incarceration for all or part  
23 of the term of supervised release, without credit for time previously served on  
24 post-release supervision.

25       3. The Court is Not a Party to the Agreement:

26           The Court is not a party to this Plea Agreement and may accept or reject it.  
27 KEVIN WILLIAM HARPHAM understands: that sentencing is a matter solely  
28 within the discretion of the Court; that the Court is under no obligation to accept

1 any recommendations made by the United States and/or by KEVIN WILLIAM  
2 HARPHAM; that the Court will obtain an independent report and sentencing  
3 recommendation from the U.S. Probation Office; that the Court may, in its  
4 discretion, impose any sentence it deems appropriate consistent with the Rule  
5 11(c)(1)(C) nature of this Plea Agreement.

6       Although KEVIN WILLIAM HARPHAM and the United States agree to  
7 recommend that, pursuant to Fed. R. Crim. 11(c)(1)(C), the Court impose a term of  
8 imprisonment within a range of twenty-seven (27) years to thirty-two (32) years,  
9 to be followed by a life term of supervised release as the appropriate disposition of  
10 this case, the Defendant acknowledges that no promises of any type have been  
11 made to him with respect to the sentence the Court will ultimately impose in this  
12 matter. The Defendant understands that the Court is required to consider the  
13 applicable Guidelines sentencing range, but may vary upward or downward from  
14 that sentencing range in the exercise of the Court's discretion.

15       KEVIN WILLIAM HARPHAM acknowledges that this Plea Agreement is  
16 entered pursuant to Fed. R. Crim. 11(c)(1)(C). The Defendant understands that he  
17 has the option to withdraw from this Plea Agreement if the Court imposes greater  
18 than a thirty-two (32) year term of imprisonment. The Defendant also understands  
19 that the United States has the option to withdraw from this Plea Agreement if the  
20 Court imposes less than a twenty-seven (27) year term of imprisonment or less  
21 than a life term of supervised release.

22       KEVIN WILLIAM HARPHAM and the United States acknowledge that the  
23 imposition of any fine, restitution, and conditions of supervised release are not  
24 part of the Rule 11(c)(1)(C) nature of this Plea Agreement; that in this connection  
25 the parties are free to make any recommendation they deem appropriate; and that  
26 the Court will exercise its discretion in this regard.

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28

#### **4. Waiver of Constitutional Rights:**

KEVIN WILLIAM HARPHAM understands that by entering pleas of guilty he is knowingly and voluntarily waiving certain constitutional rights, including:  
(a.) the right to a jury trial; (b.) the right to see, hear and question the witnesses;  
(c.) the right to remain silent at trial; (d.) the right to testify at trial; and (e.) the right to compel witnesses to testify.

7       While KEVIN WILLIAM HARPHAM understands he is waiving certain  
8 constitutional rights, he also understands that he will retain the right to be assisted  
9 through the sentencing process and any direct appeal (if allowed by the terms of  
10 this agreement) by an attorney, who will be appointed at no cost if he cannot  
11 afford to hire an attorney. KEVIN WILLIAM HARPHAM acknowledges that  
12 pending pretrial motions, if any, are waived.

### **5. Elements of the Offenses:**

14 KEVIN WILLIAM HARPHAM acknowledges and agrees that in order to  
15 be found guilty of Attempted Use of a Weapon of Mass Destruction, in violation  
16 of 18 U.S.C. § 2332a(a)(2), as charged in Count 1 of the Superseding Indictment,  
17 and the Attempt to Cause Bodily Injury with an Explosive Device Because of  
18 Actual or Perceived Race, Color, and National Origin of Any Person, in violation  
19 of 18 U.S.C. § 249, as charged in Count 3 of the Superseding Indictment, the  
20 United States must prove the following elements beyond a reasonable doubt:

**Count 1**  
**(18 U.S.C. § 2332a(a)(2))**

First, that on or about January 17, 2011 in the Eastern District of Washington, KEVIN WILLIAM HARPHAM knowingly intended to use a weapon of mass destruction, that is (i) an explosive bomb or similar device, or (ii) any type of weapon which will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has

any barrel with a bore of more than one-half inch in diameter; or (iii) any combination of parts intended for use in converting any device into any destructive device and from which a destructive device may be readily assembled; and

Second, that KEVIN WILLIAM HARPHAM intended to do so against a person or property within the United States and such property was used in interstate or foreign commerce or in an activity that affected interstate or foreign commerce, or the results of the offense would have affected interstate or foreign commerce; and

Third, that KEVIN WILLIAM HARPHAM took a substantial step to bring about or accomplish this intended act.

Count 3  
(18 U.S.C. § 249)

First, on or about January 17, 2011, in the Eastern District of Washington, KEVIN WILLIAM HARPHAM intended to cause bodily injury to a person or persons by use of an explosive device; and

Second, KEVIN WILLIAM HARPHAM did so because of the actual or perceived race, color, or national origin of any person; and

Third, KEVIN WILLIAM HARPHAM took a substantial step to bring about or accomplish this intended act.

6. Factual Basis and Statement of Facts:

KEVIN WILLIAM HARPHAM acknowledges and agrees that, in proving the elements of the crimes to which he is pleading guilty, the United States can establish the following facts beyond a reasonable doubt, that these facts constitute an adequate basis for his pleas of guilty; and that for sentencing purposes, neither

1 party is precluded from presenting additional facts and arguing the relevance of  
2 the facts to the Sentencing Guidelines computation or to sentencing generally,  
3 unless otherwise prohibited by this Plea Agreement:

4 On January 17, 2011, at approximately 9:30 a.m., an improvised explosive  
5 device (IED) was discovered at the Northeast corner of Main and Washington  
6 Streets in Spokane, Washington, prior to, and along the planned route of, the  
7 Martin Luther King Jr. Day Unity March. The IED, contained within a backpack,  
8 consisted of a steel pipe approximately 6 inches long with a 3 inch diameter, itself  
9 containing a charge and shrapnel (ie: fishing weights with a coating containing  
10 brodifacoum, an anticoagulant and an active ingredient within some rodenticides),  
11 all enclosed within a wooden box and a powering/triggering system. The steel  
12 pipe was welded onto a steel base plate (similar to a mortar tube) and had a 0.25"  
13 inch hole near the base of the steel pipe. Two insulated wires lead through the  
14 approximately 0.25" in diameter hole and connected to a model rocket igniter  
15 (MRI), inserted into the main charge. The main charge was chemically identified  
16 by the FBI laboratory as being a low explosive black powder. There were  
17 approximately 100 grams of the black powder, contained in a plastic bag, inside  
18 the steel pipe. Components of the IED's triggering / powering system were also  
19 inside the backpack. The triggering system consisted of an Audiovox remote car  
20 starter/alarm receiver, which could receive a signal from a remote matching  
21 transmitter/key fob. The car starter/alarm receiver was powered by two 6 volt  
22 Rayovac lantern batteries.

23 If detonated at the proper time, the IED would have expelled the fishing  
24 weights as shrapnel into the march participants as they passed by, causing bodily  
25 injury, and into the public street and nearby businesses, causing property damage  
26 all of which would have resulted in the disruption of interstate commerce.

27 The Eye Care Center, a general optometry business located on the Southeast  
28 corner of Main and Washington Streets buys, sells, and uses items obtained from

1 several distributors located outside the State of Washington. In addition the  
2 business was closed for 3-4 hours on January 17, 2011, and appointments were  
3 canceled, as a result of law enforcement's discovery of the backpack containing  
4 the IED. If detonated, the IED would have caused damage to and disrupted this  
5 business operating in interstate commerce.

6 Hill's Restaurant, a restaurant and bar located on the Southwest corner of  
7 Main and Washington Streets buys, sells, and uses items obtained from nationwide  
8 distributors located outside the State of Washington. According to the owner of  
9 Hill's Restaurant, business noticeable declined the two days following January 17,  
10 2011, which he attributes to the discovery of the backpack containing the IED. If  
11 detonated, the IED would have caused damage to and disrupted this business  
12 operating in interstate commerce.

13 The Martin Luther King Jr. Day Unity March is an annual event held in  
14 Spokane in January on Martin Luther King Jr. Day. This year, the march was  
15 attended by of what was estimated to be about 2,000 supporters of community  
16 harmony and unity and was attended by numerous individuals of various races,  
17 including African-Americans.

18 The FBI investigation revealed several items of evidence leading to  
19 establishing Kevin William Harpham as the suspect responsible for the building  
20 and placement of the IED. The FBI located quarter ounce fishing weights similar  
21 to those used in the IED, sold in packs of 10, for sale at the Wal Mart store in  
22 Colville, Washington. Based on an FBI analysis of information provided by  
23 Wal-Mart relating to the sales of such weights at 72 Wal Mart stores in the Pacific  
24 Northwest during October 30, 2010 and January 25, 2011, the Wal Mart store in  
25 Colville, Washington had an unusually high amount of the weights sold during a  
26 one week period in November, 2010.

27 a. On November 1, 2010, 40 weights (4 packs of fishing weights), Kraft  
28 brand Jet Puffed Marshmallow Creme, vitamin D milk, a few food

1 items, and a Farberware-brand food chopper were purchased with  
2 cash.

3 b. On November 3, 2010, 60 weights (6 packs of fishing weights) were  
4 purchased with cash.  
5 c. On November 7, 2010, 30 weights (3 packs of fishing weights), Kraft  
6 brand jet Puffed Marshmallow Crème, and vitamin D milk were  
7 purchased using a bank card subsequently determined through FBI  
8 investigation of bank records to have been issued to Kevin William  
9 Harpham.

10 In total, the three above-described purchases totaled 130 weights, whereas 128  
11 weights were located in the IED. Kevin Harpham made all three of these  
12 purchases.

13 Analysis by the FBI Laboratory revealed the presence of nuclear DNA from  
14 three or more individuals on the handle and shoulder straps of the black backpack.  
15 The nuclear DNA obtained from Kevin Harpham was compared to these nuclear  
16 DNA samples and Harpham was identified as potentially the major contributor --  
17 the FBI Laboratory advised the random match probabilities are 1 in 10 million  
18 from the Caucasian population, with a confidence interval between 1 in 1 million  
19 and 1 in 100 million.

20 On November 15, 2010, Kevin Harpham purchased a Panasonic Lumix  
21 model DMC ZS7 digital camera. This camera was seized during the search of his  
22 home in early March. The camera contained several dozen deleted photographs of  
23 the January 17, 2011, Martin Luther King, Jr. Unity March, including some photos  
24 Kevin Harpham took of himself, while at the march. Additionally, the Spokane  
25 Convention Center security camera as well as KREM-2 news took videotape  
26 recordings of the march participants, including photos of Kevin William Harpham.

1        Kevin Harpham purchased the Audiovox Prestige APS620 car remote  
2 starter used in the IED, from VM Innovations on October 26, 2010, over the  
3 Internet.

4        Online open source searches related to Kevin Harpham identified an  
5 individual using the online moniker "Joe Snuffy" for postings on the website  
6 www.vnnforum.com, the Vanguard News Network Forum, which is a known  
7 white supremacist website. Kevin Harpham used the moniker "Joe Snuffy" to post  
8 racist comments and his racist beliefs on the forum from approximately 2005.  
9 Kevin William Harpham has told others about his racist beliefs and is a white  
10 supremacist and white separatist. Kevin Harpham built and placed the IED at the  
11 March because of the actual or perceived race, color, or national origin of people  
12 marching, with the intent to cause bodily injury to the person or persons in order to  
13 further his racist beliefs.

14        7. Waiver of Inadmissibility of Statements:

15        KEVIN WILLIAM HARPHAM agrees that, if he withdraws either of his  
16 guilty pleas for reasons other than the Court's rejection of this Plea Agreement, he  
17 waives the inadmissibility of statements, if any, made in the course of plea  
18 discussions with the United States, pursuant to Fed. R. Crim. P.11(f). The  
19 Defendant agrees further that any such inadmissible statements also include those  
20 statements made at the change of plea hearing to establish facts sufficient for the  
21 Court to accept his pleas of guilty. The Defendant agrees that this waiver permits  
22 the United States to move for the introduction into evidence of any such  
23 inadmissible statements in its case-in-chief. KEVIN WILLIAM HARPHAM and  
24 the United States agree, however, that this provision is inapplicable if either party  
25 withdraws from this Plea Agreement in accordance with the Rule 11(c)(1)(C)  
26 parameters contained herein.

27        8. United States Agrees To File No Additional Charges:

28        The United States Attorney for the Eastern District of Washington agrees to

1 file no additional charges against KEVIN WILLIAM HARPHAM based on  
2 information in the United States' possession at the time of this Plea Agreement  
3 and arising out of the Defendant's conduct involving the illegal activity charged in  
4 the Superseding Indictment, unless KEVIN WILLIAM HARPHAM breaches this  
5 Plea Agreement any time before or after sentencing.

6       9. United States Agrees To Dismiss Counts 2 and 4:

7       The United States Attorney for the Eastern District of Washington agrees to  
8 move for the dismissal of Counts 2 and 4 at the sentencing hearing. Count 2  
9 charges KEVIN WILLIAM HARPHAM with Possession of an Unregistered  
10 Destructive Device, in violation of 26 U.S.C. § 5861(d). Count 4 charges KEVIN  
11 WILLIAM HARPHAM with Using a Firearm (defined as a destructive device) in  
12 Relation to a Crime of Violence, in violation of 18 U.S.C. § 924(c)(1)(B)(ii).

13       10. United States Sentencing Guidelines:

14       KEVIN WILLIAM HARPHAM and the United States acknowledge that the  
15 final Sentencing Guidelines calculations will be determined by the Court, with  
16 input from the United States Probation Office. KEVIN WILLIAM HARPHAM  
17 and the United States reserve the right to advise the Court and the United States  
18 Probation Office about the law and facts applicable to any sentencing issues.

19               (a.) *Base Offense Level*

20       KEVIN WILLIAM HARPHAM and the United States agree that the base  
21 offense level is 28. *See* U.S.S.G. § 2M6.1(a)(2).

22               (b.) *Specific Offense Characteristics*

23       The United States contends that the offense was tantamount to attempted  
24 murder resulting in an increase in the base offense level to 33 by way of a cross  
25 reference to U.S.S.G. § 2A2.1(a)(1). *See* U.S.S.G. § 2M6.1(c)(2). An upward  
26 departure may be warranted since the offense created a substantial risk of death or  
27 serious bodily injury to more than one person. *See* U.S.S.G. § 2A2.1, comment.  
28 (n.2).

1                   (c.) *Adjustments to Offense Level*

2                 KEVIN WILLIAM HARPHAM and the United States agree that the offense  
3 level should be increased three levels because the intended victims were selected  
4 based on the actual or perceived race, color, religion national origin, or ethnicity  
5 of any person. *See U.S.S.G. § 3A1.1(a).*

6                   (d.) *Terrorism Adjustment Inapplicable*

7                 KEVIN WILLIAM HARPHAM and the United States agree that the  
8 terrorism adjustment, which provides for an additional 12 level increase in the  
9 adjusted offense level and an automatic increase in the criminal history to category  
10 VI, is inapplicable because the offense was not calculated to retaliate against  
11 government conduct or to influence or affect the conduct of government by  
12 intimidation or coercion. *See U.S.S.G. § 3A1.4(a) and (b).* The United States  
13 contends that an upward departure would be warranted where the motive was to  
14 intimidate or coerce a civilian population. *See U.S.S.G. § 3A1.4, comment. (n.4).*  
15 Such upward departure shall not exceed the top of the guideline range that would  
16 have resulted if the adjustment under this guideline would have applied. *Id.*

17                   (e.) *Multiple Count Adjustment (Grouping)*

18                 Since the offense level for the civil rights crime, Count 3, is the offense  
19 guideline applicable to the underlying offense (*see U.S.S.G. § 2H1.1(a)(1)*), and is  
20 supported by the very same “act or transaction” as Count 1, the counts are grouped  
21 for purposes of the Guidelines computation. *See U.S.S.G. § 3D1.2(a).*  
22 Accordingly, there are no further multiple count adjustments.

23                   (f.) *Acceptance of Responsibility*

24                 If KEVIN WILLIAM HARPHAM pleads guilty and demonstrates a  
25 recognition and an affirmative acceptance of personal responsibility for his  
26 criminal conduct, provides complete and accurate information during the  
27 sentencing process, and does not commit any obstructive conduct, the United  
28 States will recommend a two-level reduction of his adjusted offense level for

1 acceptance of responsibility and move for a one-level reduction for timely entering  
2 a plea of guilty. *See* U.S.S.G. § 3E1.1(a) and (b). As a condition of this  
3 recommendation, KEVIN WILLIAM HARPHAM agrees to pay each of the \$100  
4 mandatory special penalty assessments (*see* 18 U.S.C. § 3013(a)(2)(A)) to the  
5 Clerk of the Court for the Eastern District of Washington, at or before sentencing,  
6 in accordance with the terms set forth below. *See infra.* Furthermore, KEVIN  
7 WILLIAM HARPHAM and the United States agree that the United States may, at  
8 its option and upon written notice to KEVIN WILLIAM HARPHAM, not  
9 recommend a reduction for acceptance of responsibility if, prior to the imposition  
10 of sentence, he is charged with or convicted of any criminal offense whatsoever  
11 and/or if he tests positive for any controlled substance.

12                   (g.) *Criminal History*

13                  KEVIN WILLIAM HARPHAM and the United States understand that the  
14 Defendant's criminal history computation will be determined by the Court, based  
15 on input from the United States Probation Office and the Presentence Investigation  
16 Report. KEVIN WILLIAM HARPHAM and the United States acknowledge they  
17 have made no agreement and have made no representations as to his Criminal  
18 History Category.

19                  11. Incarceration:

20                  KEVIN WILLIAM HARPHAM and the United States agree to recommend  
21 that, pursuant to Fed. R. Crim. 11(c)(1)(C), a term of imprisonment within a range  
22 of twenty-seven (27) and thirty-two (32) years, to be followed by a life term of  
23 supervised release, is an appropriate disposition of this case. The Defendant  
24 understands and acknowledges that the United States will argue that the Court  
25 should impose a thirty-two (32) year term of incarceration and the United States  
26 understands and acknowledges that the Defendant will argue that the Court should  
27 impose a twenty-seven (27) year term of incarceration.

28

1       12. Criminal Fine:

2           KEVIN WILLIAM HARPHAM and the United States reserve the right to  
3 make whatever recommendation they feel is appropriate concerning the imposition  
4 of a criminal fine.

5       13. Conditions of Supervised Release:

6           KEVIN WILLIAM HARPHAM and the United States agree to recommend  
7 that the Court impose a life-term of supervised release. The parties reserve the  
8 right to make whatever recommendation they feel is appropriate concerning the  
9 specific conditions of supervised release.

10      14. Mandatory Special Penalty Assessment:

11           KEVIN WILLIAM HARPHAM agrees to pay each of the \$100 mandatory  
12 special penalty assessments (*see* 18 U.S.C. § 3013(a)(2)(A)) to the Clerk of the  
13 Court for the Eastern District of Washington, at or before sentencing, and will  
14 provide a receipt from the Clerk to the United States before sentencing as proof of  
15 this payment, as a condition to the recommendation by the United States for a  
16 reduction in offense level to reflect timely acceptance of responsibility.

17      15. Additional Violations of Law Can Void Plea Agreement:

18           KEVIN WILLIAM HARPHAM and the United States agree that the United  
19 States may at its option and upon written notice to KEVIN WILLIAM HARPHAM,  
20 withdraw from this Plea Agreement or renegotiate its recommendation for sentence  
21 if, prior to the imposition of sentence, he is charged or convicted of any criminal  
22 offense whatsoever and/or if he tests positive for any controlled substance.

23      16. Appeal Rights:

24           Defendant understands that he has a limited right to appeal or challenge the  
25 conviction and sentence imposed by the Court. Defendant hereby expressly waives  
26 his right to appeal his conviction and the sentence the Court imposes, including any  
27 condition of supervised release or fine. Defendant further expressly waives his  
28 right to file any post-conviction motion attacking his conviction and sentence,

1 including a motion pursuant to 28 U.S.C. § 2255, except one based upon  
2 ineffective assistance of counsel based on information not now known by  
3 Defendant and which, in the exercise of due diligence, could not be known by  
4 Defendant by the time the Court imposes the sentence. Should the Defendant  
5 successfully move to withdraw from this Plea Agreement or should the Defendant's  
6 conviction on Counts 1 or 3 of the Superseding Indictment be dismissed, set aside,  
7 vacated, or reversed, this Plea Agreement shall become null and void; the United  
8 States may move to reinstate all counts of Superseding Indictment No. 11-CR-042-  
9 JLQ; and the United States may prosecute the Defendant on all available charges  
10 involving or arising out of this investigation and make direct and derivative use of  
11 any statements or information he has provided. Nothing in this Plea Agreement  
12 shall preclude the United States from opposing any post-conviction motion for a  
13 reduction of sentence or other attack of the conviction or sentence.

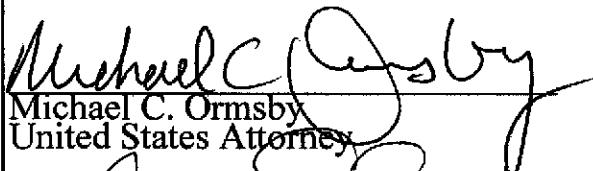
14       17. Integration Clause:

15       The United States and KEVIN WILLIAM HARPHAM acknowledge that the  
16 above-stated terms and conditions constitute the entire plea agreement between the  
17 parties and deny the existence of any other terms or conditions not stated herein.  
18 The parties agree this Plea Agreement is binding only upon the United States  
19 Attorney's Office for the Eastern District of Washington, and cannot bind other  
20 federal, state or local authorities, except to the extent provided herein. The  
21 parties also agree that this agreement cannot be modified except in a writing that is  
22 signed by the parties.

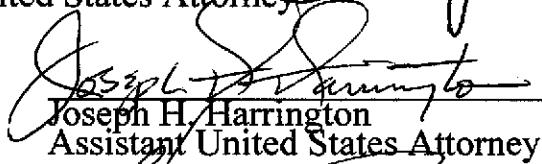
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1  
2                   Approvals and Signatures  
3

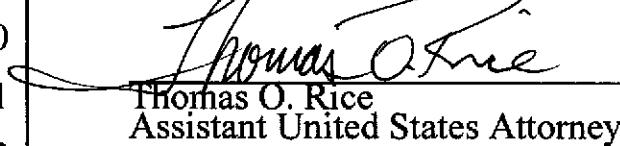
4                   Agreed and submitted on behalf of the United States Attorney's Office for  
5 the Eastern District of Washington.

6                     
7 Michael C. Ormsby  
8 United States Attorney

9                   September 7, 2011  
10                  Date

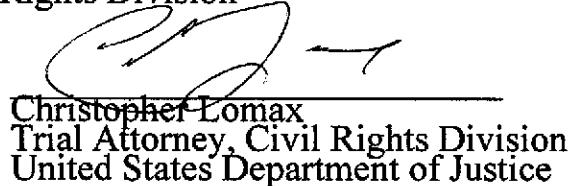
11                    
12 Joseph H. Harrington  
13 Assistant United States Attorney

14                  9/7/11  
15                  Date

16                    
17 Thomas O. Rice  
18 Assistant United States Attorney

19                  9.7.11  
20                  Date

21                  Thomas E. Perez  
22 Assistant Attorney General  
23 Civil Rights Division

24                    
25 Christopher Lomax  
26 Trial Attorney, Civil Rights Division  
27 United States Department of Justice

28                  9/7/2011  
29                  Date

30                  I have read this Plea Agreement and have carefully reviewed and discussed  
31 every part of the agreement with my attorneys. I understand and voluntarily enter  
32 into this Plea Agreement. Furthermore, I have consulted with my attorney about  
33 my rights, I understand those rights, and I am satisfied with the representation of  
34 my attorney in this case. No other promises or inducements have been made to me,  
35 other than those contained in this Plea Agreement and no one has threatened or  
36

1 forced me in any way to enter into this Plea Agreement. I am agreeing to plead  
2 guilty because I am guilty.

3 

4  
5 Kevin William Harpham  
Defendant

6  
7 9/7/11

Date

8  
9 I have read the Plea Agreement and have discussed the contents of the  
10 agreement with my client. The Plea Agreement accurately and completely sets  
11 forth the entirety of the agreement between the parties. I concur in my client's  
12 decision to plead guilty as set forth in the Plea Agreement. There is no legal reason  
13 why the Court should not accept the Defendant's pleas of guilty.

14 

15  
16 Roger J. Peven  
Attorney for the Defendant

17 9-7-11

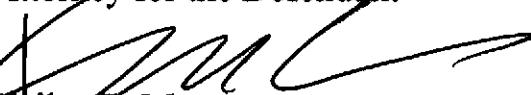
Date

18 

19  
20 Kimberly A. Deater  
Attorney for the Defendant

21 9/7/11

Date

22 

23  
24 Kailey E. Moran  
Attorney for the Defendant

25 9.7.11

Date